

## **AGENDA**

### **COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS**

**September 27, 2005**  
**Aldermen Forest, Gatsas,**  
**Osborne, Porter, Lopez**

**6:15 PM**  
**Aldermanic Chambers**  
**City Hall (3<sup>rd</sup> Floor)**

1. Chairman Forest calls the meeting to order.
2. The Clerk calls the roll.
3. Communication from Joe Smiga proposing that the City's dog ordinance be amended to allow two hours in the morning and two hours in the late afternoon or evening where dogs can go unleashed but be controlled per state requirements.  
**Gentlemen, what is your pleasure?**
4. Communication from Kenneth DeSchuiteneer, Metro Cab Co., Inc., requesting consideration of an increase in taxi rates.  
**Gentlemen, what is your pleasure?**
5. Communication from Steve Patient requesting review of City ordinances relative to the calculation of property tax relief for persons with physical disabilities.  
**Gentlemen, what is your pleasure?**
6. If there is no further business, a motion is in order to adjourn.

3

June 23, 2005

Alderman Mark Roy  
608 River Road  
Manchester, NH 03104

Dear Mark,

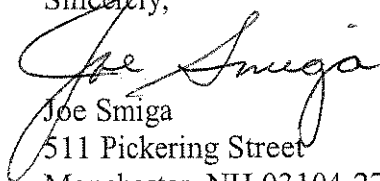
Thank you for returning my phone call and speaking with me, regarding the city's dog ordinance that was passed last year.

This ordinance while well intended is creating a number of problems between dog owners who have always abided by the state's guidelines on managing their dog and individuals who now walk around Dorr's pond with a power attitude.

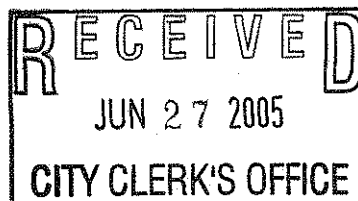
As a responsible dog owner and one who always picks up after my dog, but realizes the value of proper dog exercise while a dog is free to move around, I am proposing that the ordinance be amended to allow two hours in the morning and two hours in the late afternoon or evening where dogs can go unleashed but be controlled per the state requirements.

I ask that you place this before the proper channels to see if this is an acceptable idea. I would be willing to create a petition if it is required.

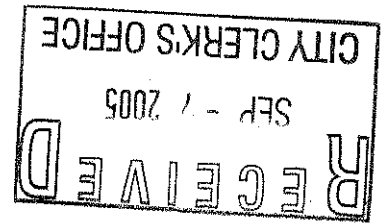
Sincerely,

  
Joe Smiga  
511 Pickering Street  
Manchester, NH 03104-2747  
645-6762

cc: Mayor Robert Baines  
Board of Alderman  
Manchester Parks Department



Metro Cab Co. Inc.  
151 Elm St.  
Manchester NH, 03101  
603-622-3701  
08/25/05



City of Manchester  
Aldermenic Committee  
on Transportation  
c/o Mathew Normand  
1 City Hall Plaza  
Manchester NH, 03101

Re: Taxi rate increase request

Dear committee members:

Please give careful consideration to the following request:

1. Change the current meter rate from .25 each 1/6<sup>th</sup> of a mile to .25 to each 1/10<sup>th</sup> of a mile
2. Change waiting time from .25 each minute to .50 per minute.
3. Allow the taxis to operate on time and mileage.

It has been nearly five years since the rates were increased and at the time gas was \$1.35 per gallon and it is now \$2.70 per gallon.

Taxi insurance was \$7,200.00 per vehicle and it is \$10,100.00 per vehicle now.

Parts were approximately \$3,000.00 per month and they are currently \$6,000.00 per month.

It was very easy to get drivers five years ago as they could make a decent living but now becoming a driver is unappealing as drivers can not make a decent pay.

4

The last increase was on the drop of the meter and created a loss of business as short fares suffered and long fares were effected minimally.

Manchester currently has the lowest rates in the nation. The denial of this request will seriously jeopardize the future of the taxi service in Manchester.

An airport taxi picking up at the airport and dropping off at the Ramada Inn would charge \$17.00. The meter would run \$12.00.

Thank you



Kenneth A. DeSchuiteneer  
President

August 25, 2005

To whom it may concern;

My name is Steve Patient of 850 South Mammoth Road in Manchester, N.H.  
I am a paraplegic and have been since injured as a child at the age of 16 years old.  
I am required to use a wheelchair fulltime. Any sane individual or board member would consider me as disabled.

I understand that there is in place a property tax relief program for residents of the city of Manchester. Yet, I am ineligible by some ridiculous method by which persons disabilities are determined by this city. The story is that determination is considered by social security income standards which can be irrelevant to a person's true disability.

I am requesting this law to be reviewed, re-written, to allow persons with physical disabilities to be eligible based on their disability and not their eligibility of social security. No, I am not eligible for any social security due to my being injured at a very young age and have never been able to work, hence pay into the system. I do not need social security at this time, I need property tax relief.


Please review the enclosed documents as they pertain to this case.

I look forward to hearing from you soon.

Please waive filing fees due to my financial hardship due to being wheelchair bound/unstable health and unable to earn even a modest income.

Thank you.

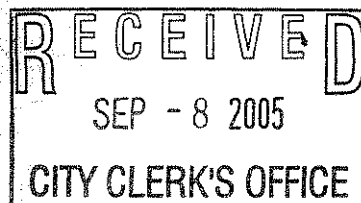
Sincerely,



Mr. Steve Patient  
850 South Mammoth Road  
Manchester, N.H. 03109  
Tel 603-624-0035

cc: Board of Assessors

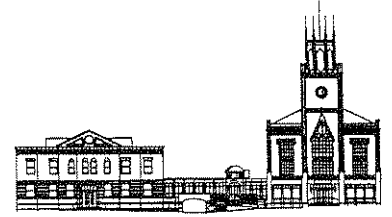
Enclosures;





## CITY OF MANCHESTER, NH Board of Assessors

One City Hall Plaza, West Wing  
Manchester, New Hampshire 03101  
Tel: (603) 624-6520 – Fax: (603) 628-6288  
E-mail: [assessors@ci.manchester.nh.us](mailto:assessors@ci.manchester.nh.us)  
Web: [www.ManchesterNH.gov](http://www.ManchesterNH.gov)



Steven G. Tellier, Chairman  
Thomas C. Nichols  
Stephan W. Hamilton

Christine Hanagan  
Assistant to the Assessors

June 17, 2005

Mr. Steve Patient  
850 S. Mammoth Road  
Manchester, NH 03109

### Re: Disability Exemption on Property Tax

Dear Mr. Patient:

The Board of Assessors regrets to inform you that your application for a Disability Exemption on your property tax has been denied. The Board has determined that you do not meet the qualifications for this exemption as specified by RSA 72:37-b. Although the Social Security Administration does, in fact, consider you "disabled", that agency has deemed you ineligible for Social Security benefits under the *Supplemental Security income for the Aged, Blind and Disabled*.

If you wish to appeal the Board's decision, New Hampshire State Statutes do allow for an appeal process. Pursuant to RSA 76:16-a, you may file an appeal with the New Hampshire Board of Tax and Land Appeals (BTLA). Alternatively, you may plea your case in Superior Court (RSA:17). Please note that you may file an appeal with only one of these entities, but not with both the BTLA and Superior Court.

Copies of RSA 72:37-b, RSA 76:16-a and RSA 76:17 are enclosed for your information. If you have any questions, please contact me at the above-listed telephone number, Ext. 5407.

Sincerely,

BOARD OF ASSESSORS

Thomas C. Nichols  
Assessor

Enclosures: RSA 72-37-b, RSA 76:16-a, RSA 76:17

cc: The Honorable Robert A. Baines, Mayor  
Seth Wall, Mayor's Office  
Steven G. Tellier, Chairman – Assessors  
Stephan W. Hamilton, Assessor

# TITLE V TAXATION

## CHAPTER 72 PERSONS AND PROPERTY LIABLE TO TAXATION

### Property Taxes

#### Section 72:37-b

##### **72:37-b Exemption for the Disabled. –**

I. Upon its adoption by a city or town as provided in RSA 72:27-a, any person who is eligible under Title II or Title XVI of the federal Social Security Act for benefits to the disabled shall receive a yearly exemption in an amount to be chosen by the town or city.

I-a. Upon the adoption of this paragraph by a city or town as provided in RSA 72:27-a, a person eligible under Title II or Title XVI of the federal Social Security Act on his or her sixty-fifth birthday shall remain eligible for a yearly exemption either in the amount of the exemption applicable under paragraph I or the amount of the elderly exemption granted to the person under RSA 72:39-b, whichever is greater.

II. The exemptions in paragraph I and I-a may be applied only to property which is occupied as the principal place of abode by the disabled person. The exemption may be applied to any land or buildings appurtenant to the residence or to manufactured housing if that is the principal place of abode. Nothing in this section shall preclude a qualified applicant from earning an income.

III. No exemption shall be allowed under paragraph I or I-a unless the person applying for an exemption:

(a) Had, in the calendar year preceding said April 1, a net income from all sources, or if married, a combined net income from all sources, of not more than the respective amount determined by the city or town for purposes of paragraph I or I-a. Under no circumstances shall the amount determined by the city or town be less than \$13,400 for a single person or \$20,400 for married persons. The net income shall be determined by deducting from all moneys received, from any source including social security or pension payments, the amount of any of the following or the sum thereof:

- (1) Life insurance paid on the death of an insured.
- (2) Expenses and costs incurred in the course of conducting a business enterprise.
- (3) Proceeds from the sale of assets.

(b) Owns net assets not in excess of the amount determined by the city or town for purposes of paragraph I, excluding the value of the person's actual residence and the land upon which it is located up to the greater of 2 acres or the minimum single family residential lot size specified in the local zoning ordinance. The amount determined by the city or town shall not be less than \$35,000 or, if married, combined net assets in such greater amount as may be determined by the town or city. "Net assets" means the value of all assets, tangible and intangible, minus the value of any good faith encumbrances. "Residence" means the housing unit, and related structures such as an unattached garage or woodshed, which is the person's principal home, and which the person in good faith regards as home to the exclusion of any other places where the person may temporarily live. "Residence" shall exclude attached dwelling units and unattached structures used or intended for commercial or other nonresidential purposes.

(c) Has been a New Hampshire resident for at least 5 years.

IV. Additional requirements for an exemption under paragraph I or I-a shall be that the property is:

- (a) Owned by the resident;
- (b) Owned by a resident jointly or in common with the resident's spouse, either of whom meets the requirements for the exemption claimed;
- (c) Owned by a resident jointly or in common with a person not the resident's spouse, if the resident meets the applicable requirements for the exemption claimed; or
- (d) Owned by a resident, or the resident's spouse, either of whom meets the requirements for the exemption claimed, and when they have been married to each other for at least 5 consecutive years.

# TITLE V TAXATION

## CHAPTER 76 APPORTIONMENT, ASSESSMENT AND ABATEMENT OF TAXES

### Abatement

#### Section 76:16-a

##### **76:16-a By Board of Tax and Land Appeals. –**

I. If the selectmen neglect or refuse to so abate, in accordance with RSA 76:16, any person aggrieved, having complied with the requirements of RSA 74, upon payment of a \$65 filing fee, may apply in writing to the board of tax and land appeals. The appeal shall be filed on or before September 1 after the date of notice of tax under RSA 76:1-a, and not afterwards. The board, after inquiry and investigation, shall hold a hearing if requested as provided in this section and shall make such order thereon as justice requires; and such order shall be enforceable as provided hereafter. If the appeal is filed before July 1 the person aggrieved shall state in the appeal to the board the date of the municipality's decision on the RSA 76:16 application.

II. Upon receipt of an application under the provisions of paragraph I, the board of tax and land appeals shall give notice in writing to the affected town or city of the receipt of the application by mailing such notice to the town or city clerk thereof by certified mail. Such town or city may request in writing a hearing on such application within 30 days after the mailing of such notice and not thereafter. If a hearing is requested by a town or city, the board of tax and land appeals shall, not less than 30 days prior to the date of hearing upon such application, give notice of the time and place of such hearing to the applicant and to the town or city in writing. Nothing contained in this paragraph shall be construed to limit the rights of taxpayers to a hearing before the board of tax and land appeals.

III. The applicant and the town or city shall be entitled to appear by counsel, may present evidence to the board of tax and land appeals and may subpoena witnesses. Either party may request that a stenographic record be kept of the hearing. Any investigative report filed by the staff of the board of tax and land appeals shall be made a part of such record.

IV. In such hearing, the board of tax and land appeals shall not be bound by the technical rules of evidence.

V. Either party aggrieved by the decision of the board of tax and land appeals may appeal pursuant to RSA 71-B:12. For the purposes of such appeal, the findings of fact by the board shall be final. Any such appeal shall be limited to questions of law.

VI. A copy of an order of abatement ordered by the board of tax and land appeals, attested as such by the chairman of the board, if no appeal is taken hereunder, may be filed in the superior court for the county or in the Merrimack county superior court at the option of the board; and, thereafter, such order may be enforced as any final judgment of the superior court.

VII. (a) The board may establish, by rules adopted under RSA 541-A, a small claims procedure to hear property tax appeals under this section as an alternative to full hearings. The rules may modify the procedural, hearing, and decision requirements of RSA 71-B, RSA 541-A, and paragraphs I-VI of this section.

(b) After filing the appeal pursuant to RSA 76:16-a, the taxpayer shall have the option of electing the small claims procedure. If the taxpayer elects the small claims procedure, the appeal shall be heard as a small claim unless the municipality, within 30 days of the board's notice of the taxpayer's election, requests a full hearing.

(c) The quorum for small claims hearings, decisions, and rehearing orders shall be one board member.

(d) The board retains the authority to require small claims to be heard by full hearing.

**Source.** 1955, 162:1. 1965, 29:1. 1969, 246:1. 1973, 121:1; 544:3. 1977, 563:39. 1982, 42:77. 1988, 1:7, 8. 1989, 408:9. 1991, 386:4; 386:6. 1992, 175:2; 285:2. 1994, 393:4, 5. 1995, 265:17. 2002, 217:2, eff. May 16, 2002.



5

# TITLE V TAXATION

## CHAPTER 76 APPORTIONMENT, ASSESSMENT AND ABATEMENT OF TAXES

### Abatement

#### Section 76:17

**76:17 By Court.** – If the selectmen neglect or refuse so to abate, any person aggrieved, having complied with the requirements of RSA 74, may, in lieu of appealing pursuant to RSA 76:16-a, apply by petition to the superior court in the county, which shall make such order thereon as justice requires. The appeal shall be filed on or before September 1 following the date of notice of tax under RSA 76:1-a, and not afterwards. If the appeal is filed before July 1 following the date of notice of tax, the person aggrieved shall state in the appeal to the court the date of the municipality's decision on the RSA 76:16 application.

**Source.** 1983, 345:1. 1991, 386:9. 1994, 393:6. 1995, 265:19. 2002, 217:3, eff. May 16, 2002.



## SOCIAL SECURITY

2 Wall Street, Suite 301  
Manchester, New Hampshire 03101  
603-641-2195

May 25, 2005

Mr Steve Patient  
850 So. Mammoth Road  
Manchester, NH 03109

Dear Mr. Patient,

You have requested information about your past Supplemental Security Income eligibility. The purpose of this letter is to provide that information in hopes that it will assist you in seeking Property Tax Relief from the City of Manchester.

Records of the Social Security Administration indicate that you were entitled to monthly Supplemental Security Income Disability benefits. Those benefits began April 1985 and ceased in September of 1994 when your spouse's income was included in the calculation. And, under the Supplemental Security Income rules, this spousal income made you ineligible. At that point, you were considered "disabled" – however ineligible by reason of the extra income. At this time, your Supplemental Security Income record is terminated which is in accordance with standard procedure.

I trust this gives you the information you desired. If you have any further questions, please feel free to give us a call here at our office or Social Security's toll free service at 1-800-772-1213.



Herbert H. Salls  
District Manager

WEBSTER STREET INTERNAL MEDICINE

5

State of New Hampshire

Karen M. Calegari, DO  
Belinda L. Castor, MD  
Christine Cochrane, DO  
Scott R. Hochgraf, MD  
Robert J. Larkin, MD

RE: Patient, Steven  
DOB: 03/16/1967

To Whom It May Concern:

Mr. Patient is a patient of mine at Webster Street Internal Medicine who in the early 1980's had a snowmobile accident, had a low thoracic fracture and is paraplegic with Harrington rods. He is wheelchair-bound, has to self-catheterize himself and has little, if any, feeling below his waist. He is indeed disabled. If you have further questions, please do not hesitate to contact me.

Sincerely,



Robert Larkin, MD, FACP

RL/md

DD: 06/01/2005

DT: 06/02/2005 08:13:50

5

DEC. 24, 1984

# Patient: Luck Is Being Alive

By ROBERT KINERK  
Union Leader Staff

He says they're going to re-assess his wheelchair; and the doctor told him the infection he's got couldn't be worse than the infection he'd get if they tried changing his treatment. And he spent the summer in the hospital getting a kidney stone out, and he broke up with his girl friend, and he couldn't do the decorating on the tree this year and now it's Christmas. And do you know what? He still thinks he's lucky.

Steve Patient  
The luck lies in being alive.  
Last Christmas, about the

time Santa was hitting his stride, Patient, then 16 years old, steered his snowmobile onto a patch of ice and slammed into a chain-link fence. Unable to stand. Unable even to crawl, he spent the next three or four hours worming his way on his elbows and hands to a stranger's home a quarter-mile away.

The snow was ankle deep, and the wind made the temperature equivalent to 30 below.

A man named Robert Ahern eventually tugged him into a home on Island Pond Road.

PATIENT

Page 10



STEVE PATIENT

## PATIENT

(Continued from Page One)

It was touch and go for a long time after that. Weeks and weeks in a Boston hospital. Exploratory surgery. A decision to forego a rather radical operation to remove a fragment of bone lodged in the spinal cord (the doctors would have had to go in from the front) and adjustment to life in a wheelchair.

"I've got enough movement in my right leg now to walk on it without braces," Patient said.

He was in his wheelchair when he said it, in his bedroom at his parents' South Mammoth Road home. To demonstrate the movement he's able to command, he straightened his leg and lifted it until his stockinged foot was almost shoulder high.

The effort made him grin.

Grins aren't all that common though.

He is, by nature, somewhat reticent with strangers. And whether it's the troubles he's had or a family trait, he looks older than his 17 years.

The 17-year-old in him came out just once the other day. It

was when he was asked about the Ozzy Osborne shirt he wore. Was it a concert shirt?

"No," he said. "I've never been to a concert." He said it with a kind of wistfulness, in a gentle, almost apologetic way.

You probably have to be 17 yourself to understand that. Or know someone who's 17 and love him enough to know what's in his heart.

Patient has tackled the problem of adjusting to a more restricted life in a characteristic way — he's opened a snowmobile repair shop.

"We put an ad in the Leader and somebody brought in a machine already," he said. "It keeps me busy. It gets my mind off my illness."

His fingers have itched to work on motors since he can first remember.

"I was 7 years old when I took apart my first mini-bike and gave it a valve job," he says, and then he adds, "With some help, of course."

The snowmobile repair business, if it takes off, will also give him a chance to keep up

with staggering medical bills. Patient said the insurance benefits that paid for his long stay in the Boston University Medical Center have run dry. Coverage stopped for his physical therapy treatments, he said, so he's not seeing a therapist anymore.

He faces another stay in the hospital in January for more kidney tests.

And he says he's fallen behind on his wheelchair payments.

"If they come to scarf it," he says, "I'll have to hide it."

The thought brings one of his rare smiles.

"I remember going down that driveway . . ." Patient won't speak about last Christmas' accident unless he's prodded, and when he speaks about it, it's never to complain. "I remember going down that driveway and saying if he's not home, this is it."

He pauses, the thought of the surprise on Ahern's face brings a twinkle to his eyes. "I ought to send him a Christmas card," he says. "Good thing he was home."